

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

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**JEROME HARRIOTT,**

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**X Index No.**  
**Purchased** 5-23-14

Plaintiff

Plaintiff designates Kings  
County as the place of trial

- against -

The basis of the venue is  
where the tort arose**THE CITY OF NEW YORK and  
POLICE OFFICER JOHN DOE****SUMMONS**

Defendants.

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**X****TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
May 23, 2014



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**THE LAW OFFICES OF ELLIOT S. KAY**  
Attorney for Plaintiff  
115 East 57<sup>th</sup> Street, 11<sup>th</sup> Floor  
New York, New York 10022  
(212) 939-7251

Defendant's Address:  
**CORPORATION COUNSEL OF THE  
CITY OF NEW YORK**  
100 Church Street  
New York, New York 10007

**SUPREME COURT OF THE STATE OF NEW YORK  
KINGS COUNTY**

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**JEROME HARRIOTT**

**Plaintiff,**

**Index No.  
Verified Complaint**

**- against -**

**THE CITY OF NEW YORK and POLICE OFFICER  
JOHN DOE**

**Defendants.**

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Plaintiff JEROME HARRIOTT, by his attorneys THE LAW OFFICES OF ELLIOT S. KAY, by ELLIOT S. KAY, principal, complaining of the defendants, respectfully shows to this Court and alleges the following upon information and belief:

**PARTIES**

1. At all times hereinafter mentioned, Plaintiff JEROME HARRIOTT was a resident of Suffolk County, State of New York.
2. At all times hereinafter mentioned, defendant THE CITY OF NEW YORK (“CITY”), was and still is a municipal corporation organized and existing under and by virtue of the laws of the State of New York.
3. At all times hereinafter mentioned, THE NEW YORK CITY POLICE DEPARTMENT (“POLICE”), was and is an agency of defendant CITY.
4. At all times hereinafter mentioned, defendant POLICE OFFICER JOHN DOE (“P.O. DOE”) was and is a police officer employed by Defendants.

## BACKGROUND

5. On February 27, 2013 at approximately 10:30 a.m., in the vicinity of the southwest corner of Forbell Street and Sutter Avenue in Kings County, without just cause or provocation, P.O. DOE handcuffed Plaintiff and intentionally and falsely accused Plaintiff of having committed the crime of Aggravated Unlicensed Operation of a Motor Vehicle [VTL 511(1)(a)]. Plaintiff was removed to a police precinct where Plaintiff was searched, photographed, fingerprinted and forced to remain in a precinct holding cell. After approximately eight (8) hours, Plaintiff was released from custody with a Desk Appearance Ticket directing Plaintiff to appear in Court on March 27, 2013.
6. On or about March 27, 2013, a criminal complaint was issued at the directive of Defendants and Plaintiff was arraigned.
7. At Plaintiff's arraignment, the criminal matter was terminated in favor of Plaintiff in that the case against Plaintiff was dismissed and sealed.

## PROCEDURAL POSTURE

8. On May 24, 2014, Plaintiff served a Notice of Claim in writing sworn to on Plaintiff's behalf upon Defendant CITY, by delivering a copy thereof to the officer designated to receive such process personally, which Notice of Claim advised the Defendant of the nature, place, time, and manner in which the claim arose, and the items of damage and injuries sustained so far as was then determinable.
9. More than thirty days have elapsed since service of said notice, and defendant CITY has failed to pay or adjust this claim.

10. A 50-H hearing has been held.
11. This action has been commenced within one year and ninety days after the cause of action of Plaintiff accrued.
12. Plaintiff has duly complied with all conditions precedent to the commencement of this action.

**FIRST CAUSE OF ACTION: FALSE IMPRISONMENT**

13. Paragraphs 1-12 are incorporated by reference as fully set forth herein.
14. The Defendants, including P.O. DOE, their agents, servants and employees, arrested and confined Plaintiff, as described in paragraphs 5-6, and intended to confine Plaintiff. Plaintiff was conscious of his confinement and did not consent to it. Moreover, the confinement was not privileged or authorized by any warrant, order, or other legal right.
15. As a result of being falsely arrested and imprisoned by the Defendants, Plaintiff sustained multiple injuries. Plaintiff was denied liberty and the ability to enjoy life while he was imprisoned. Plaintiff also suffered emotional distress, humiliation and fear and intimidation for his safety.

**SECOND CAUSE OF ACTION: MALICIOUS PROSECUTION**

16. Paragraphs 1-15 are incorporated by reference as though fully set forth herein.
17. Upon information and belief, on or about February 27, 2013, and from that time until the dismissal of charges on or about March 27, 2013, Defendants deliberately and maliciously prosecuted Plaintiff, an innocent person, without any probable cause whatsoever, by filing or causing a misdemeanor complaint to be filed in the Criminal Court of the City of New York, Kings County, for the

purpose of falsely accusing Plaintiff of a violation of the law of the State of New York.

18. The Defendants, their agents, servants and employees, failed to take reasonable steps to stop the prosecution of Plaintiff and instead maliciously and deliberately provided false and/or incomplete information to the District Attorney's office to induce prosecution of the Plaintiff.
19. The commencement of these criminal proceedings was malicious and began in malice and without probable cause, so that the proceedings could succeed by the Defendants.
20. As a result of being maliciously prosecuted by the Defendants, Plaintiff sustained multiple injuries, including loss of liberty, emotional distress, humiliation, loss of enjoyment of life, and fear and intimidation for Plaintiff's safety.
21. The criminal matter was terminated in Plaintiff's favor in that all pending charges against Plaintiff were dismissed and sealed on March 27, 2013.

**WHEREFORE**, Plaintiff demands judgment against the Defendants, together with the costs and disbursements of this action in the amount of damages greater than the jurisdictional limit of any lower court that would otherwise have jurisdiction, together with attorneys' fees and costs for bringing this case, and punitive damages.

Dated: New York, NY  
May 23, 2014

Yours, etc.,

THE LAW OFFICES OF ELLIOT S. KAY

  
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BY: ELLIOT S. KAY, ESQ.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

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**JEROME HARRIOTT,**

**Index No.**

Purchased: 5-23-14

Plaintiff

-against-

**CITY OF NEW YORK and POLICE OFFICER  
JOHN DOE**

Defendants

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I, **ELLIOT S. KAY**, an attorney admitted to practice in the courts of New York State, state that I am the attorney of record for Plaintiff in the within action; I have read the foregoing and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not the Plaintiff is because Plaintiff resides outside the county where deponent maintains his office.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, NY  
May 23, 2014

  
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**ELLIOT S. KAY**